

Following is a summary of the 38 amendments organized into Permit Process/Use Types, Measurement, Parking, and Minor Corrections categories. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Permit Process/Use Amendments: The following 22 amendments are proposed to improve the permit process, clarify the requirements for various public notice types, address inconsistencies in the regulations, and clarify the regulations applicable to various use types.			
1	Clarification	111.0207	<p><u>Board of Building Appeals and Advisors</u> Amend Section 111.0207 to reflect the current organizational structure whereby the City's historic resource staff is part of the Planning Department. The amendment will transfer the authority in matters pertaining to historical buildings to allow the Planning Director to participate on the Board of Building Appeals and Advisors on such matters.</p>
2	Regulatory Reform	112.0301	<p><u>Types of Notice: Notice of Application</u> A Notice of Application is required for an application (Process Three, Four, or Five) for a permit or map. The Notice of Application is required to be distributed and posted at the site and is intended to notify potential interested persons that an application has been filed, a brief description of the request, and a staff contact for additional information. The issue is that the code currently requires the Notice of Application to be distributed no later than 10 business days after the date on which the application is deemed complete. The amendment would allow for the Notice of Application to be distributed within 30 calendar days of the application being deemed complete and at least 45 calendar days prior to the public hearing, which is a more reasonable time frame to distribute and post this type of notice. Subsequent public notice is already provided in such cases because a separate Notice of Public Hearing is also required to be distributed at least 10 business days prior to the public hearing.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
3	Regulatory Reform	112.0301	<p><u>Types of Notice: Notice of Future Decision</u></p> <p>A Notice of Future Decision is required for a Process Two application. A Notice of Future Decision is required to be distributed and posted at the site and is intended to notify potential interested persons that an application has been filed, a brief description of the request, and a staff contact for additional information prior to the staff decision. Similar to the Notice of Application, the issue is that the code currently requires the Notice to be distributed and posted no later than 10 business days after the date on which the application is deemed complete. The amendment would allow for the Notice of Future Decision to be distributed within 30 calendar days of the application being deemed complete and at least 45 calendar days prior to the decision date, which is a more reasonable time frame to distribute and post this type of notice.</p>
4	Clarification	112.0301	<p><u>Types of Notice: Notice of Availability</u></p> <p>Amend Section 112.0301(d) to officially reincorporate code language as previously adopted by the City Council (with the 7th Update to the LDC ordinance) in place of the current published text that reads “Reserved Notice of Availability”. The City Council must readopt the language from the 7th Update before it can be published in the municipal code because of the order of action taken on two separate ordinances (amending 112.0301) that were processed in the same time frame in 2011.</p>
5	Clarification	112.0505 112.0507	<p><u>Waiver of Appeal Period</u></p> <p>Delete the waiver of appeal period provision in Sections 112.0505(c) and 112.0507(c). Appeals of environmental documents can’t be limited to only interested parties because CEQA (PRC § 21151(c)) allows anyone to appeal the approval of an environmental document, or to appeal an environmental determination that CEQA does not apply to a project. Also, even if no interested parties participate at the public hearing, the Community Planning Group is always considered an interested party and can appeal the decision maker’s action on a project accordingly.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
6	Regulatory Reform	121.0315	<p><u>Types of Notice: Notice of Appeal of a Permit Revocation Decision</u></p> <p>Revise the requirement for noticing for permit revocation appeal hearings so that the same distribution list for noticing is provided for the appeal hearing as for the initial revocation. Currently, revocation hearings require mailed notice to the permit holder and to any persons who request the notice at least 10 business days before the date of the revocation hearing. However, because the appeal section requires noticing in accordance with Section 112.0308, more extensive notice (i.e. noticing of all property owners in a 300 foot radius) be provided than is required for initial revocation hearing, which is contrary to intent.</p>
7	Regulatory Reform	126.0108	<p><u>Eliminate Utilization Requirement for City CIP Projects</u></p> <p>Amend the code to exempt capital improvement program projects from the permit utilization requirement. Capital improvement program projects are defined as tangible City projects with a life expectancy greater than one year that is counted as a fixed asset with values for capitalization purposes (for assessment of prosperity and financing purposes). Issues after permit approval that typically delay or add uncertainty to processing times for CIP projects include the need to secure other agency approvals, the need to acquire or condemn property, the need to comply with contracting and bidding processes, and the need to secure funding (local, state, and federal).</p>
8	Regulatory Reform	126.0402 129.0710	<p><u>Encroachments in the Public Right-of-Way</u></p> <p>Amend the code to provide an administrative level approval for some public right-of-way encroachment types including: above grade projections (i.e. awnings, balconies, bay windows projecting a maximum of 4 feet into the public right-of-way and at least 8 feet above grade) and below grade encroachments (i.e. parking, garages, transformer vaults up to the ultimate or existing curb line). At grade encroachments (less than 8 feet above grade) would still require a Neighborhood Development Permit, and all encroachments where the underlying record owner has not granted permission would still require a Site Development Permit.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
9	Regulatory Reform	126.0704	<p><u>Exemption from a Coastal Development Permit (Single Dwelling Units)</u></p> <p>Create a new exemption from the requirement to obtain a Coastal Development Permit for certain single dwelling unit development and demolition of existing structures if the development meets the specified criteria for eligibility: can't be in Coastal Commission appealable area or sensitive coastal resource overlay zone; can't otherwise require a development permit or subdivision map; can't be a designated historical resource or a potential historical resource; and the premises can't contain environmentally sensitive lands. All single dwelling unit development must be located on a single lot zoned for single dwelling unit residential and must comply with 90% of the applicable height and 80% of the applicable floor area permitted by the underlying base zone in order to be eligible for the permit exemption.</p>
10	Clarification	129.0203	<p><u>Exemptions from a Building Permit</u></p> <p>Amend LDC Section 129.0203 to clarify that the listed exemptions from a Building Permit do not apply to alterations, repairs, or improvements to historical resources or to proposed development on a premises containing ESL that requires a development permit per LDC Section 143.0110.</p>
11	Regulatory Reform/ Compliance with State Law	129.0308 131.0222 131.0322 131.0422 131.0522 131.0622 141.0419 151.0103 155.0238	<p><u>Electric Vehicle Charging Stations</u></p> <p>Implement AB 1236 to provide a streamlined approval process for electric vehicle charging stations, narrow the scope of permit review to compliance with public health and safety requirements, and provide for appeal to Planning Commission in case of denial by the Building Official. The use would be allowed on private property in all citywide zones. The City is required to comply with AB 1236 by September 30, 2016.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
12	Regulatory Reform	131.0422 131.0522 141.0407 152.0303 152.0309 155.0253 158.0301 1512.0302 1514.0304 Table 1514-03E 1514.0305 Table 1514-03J Ch 15, Art 18, Appendix A	<u>Grade K-12 Educational Facilities and One-on-One Teaching Facilities</u> <ul style="list-style-type: none"> Amend Section 141.0407 to clarify that one-on-one teaching facilities and small educational facilities (50 students maximum) such as independent study sites that function like professional offices with no assembly facilities may be permitted (without a CUP) in accordance with the business and professional office use category. Allow K-12 schools as a limited use in RM zones and CR and CC commercial zones where the facility capacity does not exceed 300 students. Allow a new school to replace an existing school with over 300 students if the result is no increase in the number of students. Require a CUP for schools with occupancy over 300 people in RM, CR, and CC zones. <i>(And change to limited use in Commercial-Office (CO)?)</i> PDOs: Amend the Central Urbanized and Mission Valley PDOs to reduce the permit process from a CUP to a limited use per citywide regulations; and amend the Barrio Logan, Golden Hill, Mid City, and San Ysidro PDOs for consistency with the amended citywide regulations in 141.0407.
13	Clarification	126.0303 131.0622 152.0303 152.0309 155.0253 156.0308 158.0301 1512.0302 1514.0304 Table 1514-03E 1514.0305 Table 1514-03J Ch 15, Art 18, Appendix A	<u>Assembly and Entertainment Uses</u> <ul style="list-style-type: none"> Amend Footnote 16 in Table 131-06B to clarify that the footnote applies only to instructional studios. The limit on assembly and entertainment uses, including places of religious assembly, in prime industrial lands is published separately within LDC Section 141.0602 (adopted with 9th update to the Land Development Code April 21, 2015). PDOs: Amend the regulations for religious assembly in the Barrio Logan, Golden Hill, Mid City, and San Ysidro Planned District Ordinances for consistency with citywide regulations. To avoid conflict with federal law (RLUIPA), amend the Centre City PDO to allow religious assembly in the waterfront marine (WM) and convention center (CC) zones consistent with the existing allowance for schools in those zones; and amend the Mission Valley PDO to replace the existing CUP requirement with the citywide limited use regulations.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
14	State Law/ Regulatory Reform	141.0308	<p><u>Home Occupation Regulations/Cottage Food Industry</u></p> <ul style="list-style-type: none"> Amend the home occupation regulations per state law (AB 1616 and AB 1252) to allow cottage food operations by a resident from their home. The law provides for residents to prepare, package, and sell foods that don't require refrigeration and are non-potentially hazardous (i.e. fruits, nuts, chocolate, grains, baked goods, and tortillas) from their home (maximum of \$50,000 in annual gross sales). The state law allows for direct sales to consumers, indirect sales to third party retailers under certain conditions, and allows for one full time employee. Streamline existing home occupation regulations for all small home business types per the ED&IR Committee recommendation to allow operators to have an employee or business partner and ability to have customers visit their home via Process one instead of a discretionary permit.
15	Regulatory Reform	126.0303 141.0310 142.0527	<p><u>Housing for Senior Citizens</u></p> <p>Repeal this separately regulated use category, which was originally created to provide for a break on the parking rate for a senior housing development that meets the listed design criteria. However, implementation and applicability has been confusing and problematic. Housing for seniors in a dwelling unit must otherwise be treated like housing for anyone else living in a dwelling unit and is exempt from a CUP. Clarify in Section 142.0527 what is meant by the term "housing for senior citizens" in the context of housing types with reduced parking demand.</p>
16	Regulatory Reform	141.0604	<p><u>Boarding Kennels/Pet Day Care Facilities</u></p> <p>Amend Section 141.0604 to allow this use type in prime industrial lands, and to clarify that the parking requirement of 2.5 spaces per 1,000 square feet applies to all boarding kennel facilities. List the parking requirement under the "general regulations" section to clarify that it applies to all kennel/pet day care establishments regardless of whether they are permitted as limited uses or conditional uses. Currently, the existing regulations can be interpreted as requiring more parking for facilities just because they are requesting a Neighborhood Use Permit, which does not make sense.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
17	Regulatory Reform	142.0611	<p><u>Exemption from Public Improvement Upgrades for Tenant Improvements</u> Amend LDC Section 142.0611 to exempt tenant improvements that do not involve the addition of floor area or intensification of use (as measured by an increase in average daily trips) from the requirement for public improvements. Currently, the City requires public improvement upgrades for any project valued at \$50,000 or more, and includes tenant improvements even where the development involves no increase in existing development intensity, which is cost prohibitive for small tenant improvement projects.</p>
18	Clarification	142.1305 143.0915	<p><u>Affordable/In-Fill Housing and Sustainable Regulations</u> Clarify that Section 143.0915(a) applies to both for sale and rental residential development and fix the incorrect section reference to Section 142.1305. Amend the title to add “and rental”.</p>
19	Regulatory Reform	143.0112	<p><u>Corrective Action for Environmentally Sensitive Lands Code Enforcement Cases</u> Amend LDC Section 143.0112 to clarify that a development permit application can be processed to address a code violation on a premises containing environmentally sensitive lands. Currently, the code states that “...no development permit application may be processed until the enforcement action has been concluded” in reference to unlawful development on a premises with ESL where an enforcement action has been commenced by the City. The change will allow for more timely corrective action of grading cases that involve sensitive biological resources and steep hillsides.</p>
20	Regulatory Reform	143.0212	<p><u>Process for Requirement of Site-Specific Surveys (Historic Resource Regulations)</u> Amend Section 143.0212(c) to clarify that after a site specific survey is provided for a proposed development project subject to a development permit (or if the proposed development is determined to be exempt from the need to obtain a site specific survey), then it is not necessary to require an additional site specific survey at the construction permit phase for that same development project.</p>
21	Regulatory Reform	144.0130	<p><u>Release of Survey Monument Bonds</u> Amend the code to provide authority for the City Land Surveyor to approve the release of security bonds posted for the setting of monuments. State law Subdivision Map Act section 66497(d) provides for the legislative body to delegate this authority to qualified staff that review and approve subdivision maps.</p>

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	155.0238	<p><u>Sidewalk Cafes and other Minor Clean-Up Changes to the Central Urbanized PDO</u></p> <p>Allow sidewalk cafes as a limited use in the CU-1, -2, and -3 zones of the CUPDO consistent with the permit process established citywide, instead of requiring a Neighborhood Use Permit as is currently indicated in the CUPDO use table. Other use categories that need minor clean-up amendments include: group living accommodations, shopkeeper units, wireless communication facilities, electric vehicle charging stations, satellite antennas, farmers markets, retail farms, retail tasting stores, tasting rooms, medical marijuana consumer cooperatives, mobile food trucks, wholesale, warehouse, distribution facilities, mining and extractive industries, community entry signs, neighborhood identification signs, and comprehensive sign programs.</p>

Measurement Amendments: The following 7 items clarify how various things are defined or measured in the Land Development Code.			
23	Clarification	113.0103 113.0273 131.0231 131.0331 131.0431 131.0531 131.0631	<p><u>Visibility Area</u></p> <p>Adequate sight distance is a determination made by the City Engineer. Section 113.0273 and the Street Design Manual address measurement of visibility areas; however the code is unclear about the requirement for all proposed development to provide adequate sight distance or the authority of the City Engineer to modify the visibility triangles as needed to maintain adequate sight distance. This has been a frequent conflict resolution topic. As proposed, the code would be amended to clarify that visibility area is required of all development and that the City Engineer may modify the visibility triangle as necessary via Process One permit review pursuant to the authority in 129.0104.</p>
24	Regulatory Reform	113.0225	<p><u>Calculating the Separation Distance Between Uses</u></p> <p>Modify the calculation of separation distance between uses to be consistent with the existing calculation for alcoholic beverage establishments to apply in circumstances where the purpose of the requirement is to evaluate how difficult it is to access the establishment by certain use types within certain proximity and limit that physical access accordingly. The change would allow the calculation to include and factor in any manmade or natural barriers in such cases, except in cases where the purpose of the separation distance is to address noise, air quality, or odor.</p>
25	Clarification	113.0234	<p><u>Floor Area Calculation for Mixed Use Projects</u></p> <p>Section 113.0234(b) is a special floor area calculation for residential development to count an unenclosed space below an enclosed space to address bulk and scale. Clarify that Section 113.0234(b) does not apply to the commercial portion of a mixed use development. The regulations apply to residential development in any zone.</p>
26	Regulatory Reform	131.0622 Table 131-06B	<p><u>Regional and Corporate Headquarters</u></p> <p>The “regional and corporate headquarters” use category applies to uses related to the administration of large or geographically widespread businesses that may be located separately from the main activity of those businesses. Remove the minimum size facility requirement (40,000 square feet) for regional and corporate headquarters (footnote 1), which currently applies to the IP-1-1, IP-3-1, IL-1-1, and IBT-1-1 zones, but is not applicable to the IP-2-1, IL-2-1, IL-3-1, IH-2-1, or IS zones. Also, remove the existing limit that applies in the IH-2-1 zone and requires a maximum of one regional and corporate headquarters establishment on an individual parcel of land (footnote 14).</p>

27	Clarification	141.0607 142.0560(i)	<p><u>Drive-Through Queuing Space for Vehicles</u></p> <p>Measurement of the standard for 5 vehicles to queue in a stacking lane is currently taken from the pick-up window. Staff was asked to consider taking the measurement from the order window instead or require additional distance from the order window. As proposed, a minimum of 40 feet would be required between the order window and the nearest curb cut for all eating and drinking establishments with drive-in or drive-through services to accommodate additional queuing space for at least two cars on the premises.</p>
28	Regulatory Reform	142.0402 Table 142-04A 142.0404 Table 142-04C 143.0365 Table 143-03C	<p><u>Criteria for Small Lot Subdivisions Related to Landscape and Lot Area</u></p> <ul style="list-style-type: none"> Amend the code to clarify the applicable landscape requirements for small lot subdivisions in Table 142-04A. Correct the typo in Table 142-04C, which currently indicates the plant points requirement for small lot subdivisions is 0.5 instead of 0.05. The minimum lot area requirement recently adopted within the small lot subdivision ordinance has been identified as an unnecessary barrier to better design alternatives on various projects. Amend Table 143-03C to remove the minimum lot area requirement. Continue to apply the minimum lot width and depth standards of the pre-subdivided lot, and calculate the maximum density for a pre-subdivided lot based on the maximum density of the base zone to ensure there would be no increase in allowable density.
29	Compliance with state law	142.0413(d) LDM Landscape Standards: Section 2.6 and Appendix E	<p><u>Landscape Water Budgets</u></p> <p>Amend the City's landscape standards and calculation for landscape water budgets to implement the 2013 California Green Building Standards (Part 11 of Title 24) state law changes adopted as "emergency express terms" in May 2015 (effective June 1, 2015) to require a more efficient water budget for landscape areas 500 sq ft or greater, project level irrigation audits, and annual local status reports based on a watershed approach. Amendments include new plant factors to estimate plant water usage, irrigation efficiency changes, soil and mulch requirements, and new factors for evapotranspiration (to reduce the evapotranspiration adjustment factor from .7 to .55 for residential and to .45 for non-residential, and to increase the special landscape area ETAF from .3 to .45 for residential and to .55 for non-residential). Generally, the landscape water budget must now be about 15% more efficient than the City's prior standards to demonstrate that the project's estimated total water use will be less than the maximum applied water allowance.</p>

Parking: The following 3 items address parking and driveway related regulations.			
30	Regulatory Reform	142.0505 Table A 142.0525(c)	<p><u>Common Area Parking</u></p> <p>Common area parking is required for multiple dwelling unit development in “planned urbanized communities” in cases when a Planned Development Permit is required. The term planned urbanized has created confusion in applicability because the associated map is not readily accessible. To help clarify the applicability, an amendment is proposed to clarify that the common area parking requirement applies in the communities of Black Mountain Ranch, Carmel Mountain Ranch, Miramar Ranch North, Mira Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, and Torrey Highlands.</p>
31	Regulatory Reform	142.0545	<p><u>Shared Parking</u></p> <p>Modify the existing provision that requires shared parking to be within 600 feet. Replace with a reasonable walking distance such as the typical accepted standard of 1200 feet (equivalent of 4 City blocks and double the existing standard).</p>
32	Clarification	142.0560(j)(8)	<p><u>Maximum Number of Driveways</u></p> <p>Clarify the code to remove the potential for multiple interpretations. Lots without alley access are permitted to have at least one driveway. An additional driveway may be permitted per 100 feet of total street frontage subject to approval by the City Engineer. Lots with alley access may be permitted a driveway subject to City Engineer approval if there is at least 150 feet of total street frontage. The calculation for corner lots is based on the total combined street frontage.</p>
Minor Corrections: The following 6 items would fix typos, punctuation and formatting errors, incorrect terms, and incorrect section references.			
33	Incorrect Reference/ Capitalization Error	126.0704(i)	<p><u>Exemptions from a Coastal Development Permit</u></p> <p>Amend Section 126.0704 to correct the reference to state law section 13250, California Administrative Code Title 14. The code currently references Title 24, which does not exist.</p>

34	Italicization Error/ Incorrect Term	126.0707	<u>Coastal Development Section</u> Amend Section 126.0707(f) to correct an italicization error of the defined term “public right-of-way” and to correct an outdated reference to a term that was changed throughout various code sections via a previous ordinance from “vacation” to “abandonment”.
35	Typographical Error	131.0601	<u>Purpose of Industrial Zones</u> Amend Section 131.0601 to correct the typographical error. The code is currently published with an incorrect term “ide” instead of the intended term “provide”.
36	Incorrect References	142.0560	<u>Standard Drawings for Driveways</u> The City’s standard drawings have been amended. However, the code still refers to the old drawing numbers. Amend the incorrect references in Section 142.0560(j)(3). The reference to G-16 should be SDG-164. The reference to G-14A should be SDG-159. The reference to G-14B should be SDG-160. The reference to SDG-114 should be SDG-163.
37	Typographical Error	143.0302 Table 143-03A	<u>Supplemental NDP Requirement for Previously Conforming Site</u> Fix typographical error in Table 143-03A, Row 10, column 2 where Section 127.0106 is currently published as “127/0106”, but instead should be published as Section “127.0106”.
38	Incorrect Reference	155.0253 Table 155-02F	<u>Central Urbanized PDO Supplemental Development Regulations</u> Amend the incorrect reference in row one/column one of the table so that the existing reference to Section 151.0253(a) is changed to 155.0253(a).